REMARKS

Amendments to the Specification

Applicant has amended the specification in paragraph 0010 to recite the use of a PNP transistor instead of an NPN transistor as correctly depicted in Figure 3. Applicant submits that no new matter has been added as a result of the amendment

Examiner has objected to the Abstract of the disclosure for the use of improper language such as disclosed and comprises. Applicant has amended the specification to remove the improper language.

Status of the Claims

- Claims 1-35 are pending.
- Claims 1-10 are rejected by Examiner.
- Claims 25-35 are objected to by Examiner.
- Claims 19, 25 and 30 are currently amended by Applicant.
- Claims 11-24 are allowed.

Allowable Subject Matter

Applicants wish to express thanks to the Examiner for speedy identification of the Allowable Subject Matter of Claims 11-24.

Rejections Pursuant to 35 U.S.C. §103(a)

Claims 1-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marwin (U.S. Patent No. 5,280,162) in view of Narabu (U.S. Patent No. 5,453,604). The Examiner contends that Marwin teaches a method of generating a progressively corrected scan signal. Specifically, the examiner contends that the circuit in Marwin generates a

baseline signal by sampling light reflected from the target and background before transmitting a light scan at the target (col. 12 lines 3-7), and then generates a detected signal by receiving light reflected from the target and background while transmitting the light scan at the target (col. 12 lines 11-19).

Applicants respectfully disagree with the Examiner. Marwin teaches nothing more than a method for generating a control signal that contains no data concerning the characteristics of the target scanned. The following passage from Marwin clearly demonstrates that no information about the characteristics of the target detected is contained in the control signal generated by Marwin:

> "A method for automatically *switching* a laser scanning system from a sleep mode of operation to a scan mode of operation...comprising the steps of: (a) generating a steady state voltage signal...when said system is in said sleep mode of operation (b) generating positive and negative threshold signals....greater than and less than of said steady state voltage signal; (c) detecting when an object is placed in said scanning field...and including the step of *generating an output signal* in response thereto; and (d) *switching* said laser scanning system from said sleep mode into said scan mode upon receipt of said *output signal.* "
> (Marwin col. 11 line 64 through col. 12. line 19).

Unlike the method disclosed in Marwin, the invention in Claim 1 generates a progressively corrected scan signal that does contain information concerning the characteristics of the target scanned. The invention in Claim 1 does not, like Marwin, simply generate a control signal informing the laser scanning system of nothing more than the presence of a target to be scanned by the laser. Nor does the invention in Claim 1 involve a method of switching between two modes of power operation.

Finally, the Examiner states that Marwin fails to teach a method of subtracting the baseline signal from the detected signal to form the progressively corrected scan signal.

Applicants agree with the Examiner's assessment on this point. Accordingly, Applicants respectfully submit that in light of the foregoing, it is clear that Marwin fails to teach or suggest the invention in Claim 1.

Regarding Narabu, Applicants note that it does not teach generating a baseline signal, generating a detected signal, and forming a progressively corrected scan signal as recited in Claim 1 of the present Application. Therefore, neither Marwin nor Narabu, either alone or in combination, can render Claim 1 obvious. The 35 U.S.C. §103(a) rejection of Claim 1 is traversed. Additionally, since Claims 2-10 depend on independent Claim 1 and serve to further limit Claim 1, the 35 U.S.C. §103(a) rejections on Claims 2-10 are traversed. Applicants submit that Claims 1-10 are in a condition for Allowance.

Claim Amendments

Applicants have amended Claims 19 and 30 to comport with the hereinabove mentioned clarification of the use of a PNP instead of a NPN transistor in a circuit embodiment.

Applicants have amended Claim 25 to comport with an Examiners' objection as stated hereinbelow.

Claim Objections

Claims 25-35 are objected to by Examiner for the informality of the use of the definite article "the" with reference to the term vicinity in Claim 25. Applicants have incorporated Examiners' suggestion and amended Claim 25 to utilize the indefinite article "a" with reference to the term vicinity. Claims 26-35 are dependent on independent Claim 25.

Therefore, Applicant's amendment to Claim 25 removes Examiners' objection to all of Claims 25-35. Applicants submit that Claims 25-35 are now in a condition for Allowance.

Amendments to Drawings

Examiner has Objected to the Drawings because of informalities. Applicant has addressed these informalities as follows:

Figures 1-5 have been enlarged for legibility. Note that Fig. 3 has been moved to a second sheet for convenience.

Figure 4 has been amended to show a dashed 0 Volt reference line.

Figure 5 has been amended to include reference number 500.

Applicants submit that no new matter has been added as a result of these amendments.

Replacement sheets containing Figures 1-5 are attached to this amendment.

Timing of Response and Fee:

The instant Office Action was mailed April 21, 2003 and a shortened statutory period for reply was set to expire 3 months from the mailing date or on April 02, 2003. This response is expected to reach the PTO at a time within one month past the shortened statutory reply period. Therefore, an extension of time for a reply within the first month is hereby requested in accordance with 37 C.F.R. 1.136(a). Enclosed please find a check in the amount of $110.00 for an extension of time within the first month as per 37 C.F.R. 1.17(a)(1).

Conclusion

In view of the above remarks, Applicants respectfully submit that the claims of the present application are in a condition for allowance. Reconsideration of the application and an early Notice of Allowance for all claims are respectfully requested.

Respectfully submitted,

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